

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

Mirza Hyder Ali,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil No. 4:22-cv-692
	§	
United States Postal Service,	§	
	§	
Defendant.	§	

**Defendant's Answer and Affirmative Defenses**

Defendant United States Postal Service, without waiving any defenses or affirmative defenses to which it may be entitled, files this answer to Plaintiff's complaint.

**I.**

1. Defendant admits only that Plaintiff has brought the action alleging violations under the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* ("FLSA").

2. Defendant admits that its primary purpose is the delivery of mail.

3. Defendant admits only that Plaintiff was employed at the Defendant's Break Creek and Fairbanks Post Office's.

4. Defendant denies the allegations in Paragraph 4.

5. Defendant denies the allegations of Paragraph 5.

**II.**

6. Defendant denies the allegations in Paragraph 6.

7. Defendant denies the allegations in Paragraph 7.

8. Defendant denies the allegations in Paragraph 8.

**III.**

9. Defendant lacks sufficient knowledge or information to either admit or deny the allegations in Paragraph 9.

10. Defendant admits the allegations in Paragraph 10.

11. Defendant admits the allegations in Paragraph 11.

12. This paragraph contains Plaintiff's definitions, to which no response is required.

Defendant denies all remaining allegations in Paragraph 12.

**IV.**

13. Defendant denies the allegations in Paragraph 13.

14. Defendant admits the allegations of Paragraph 14.

15. Defendant admits the allegations of Paragraph 15.

16. Paragraph 16 states a legal conclusion to which no response is required. To the extent a response is required, Defendant denies the allegations.

17. Defendant admits the allegations in Paragraph 17.

18. Defendant denies the allegations in Paragraph 18.

19. Defendant admits only that Plaintiff was employed with the Defendant as an Assistant Rural Carrier who perform essential tasks for the Defendant.

**V.**

20. Defendant denies the allegations of Paragraph 20 of the Complaint.

21. Defendant denies the allegations of Paragraph 21 of the Complaint.

22. Defendant admits only that according to Plaintiff's PS Form 50 in effect during his employment he was paid an hourly wage between \$18.92 - \$19.06.

23. Defendant denies the allegations of Paragraph 23 of the Complaint.

24. Defendant admits only that Plaintiff has filed suit alleging violations of the FLSA. Defendant denies all remaining allegations in Paragraph 24.

25. Defendant admits only that during Plaintiff's employment with the Defendant, he was classified as a non-exempt employee. All remaining allegations in Paragraph 25 are denied.

26. Defendant denies the allegations in Paragraph 26 of the Complaint.

27. Defendant denies that Plaintiff is entitled to any damages.

## VI.

### Count 1

28. Defendant incorporates by reference Paragraphs 1-27 of this Answer. Defendant denies that Plaintiff properly brings a claim under the FLSA.

29. Defendant denies the allegations of Paragraph 29 of the Complaint.

30. Defendant denies the allegations in Paragraph 30 of the Complaint.

31. Defendant admits only that during Plaintiff's employment with the Postal Service, he was classified as a non-exempt employee.

32. Defendant lacks sufficient knowledge and information to either admit or deny the allegations in Paragraph 32.

33. Defendant denies the allegations in Paragraph 33.

34. Defendant denies the allegations of Paragraph 34.

35. Defendant denies the allegations of Paragraph 35.

36. Defendant denies the allegations of Paragraph 36. Defendant denies that Plaintiff is entitled to any relief noted in the subparagraphs of this Paragraph.

### Count 2

37. Defendant incorporates by reference Paragraphs 1-36 of this Answer.

38. Defendant denies that it failed to pay Plaintiff wages owed.

39. Defendant denies that it had any contractual relationship with Plaintiff.

40. Defendant denies the allegations in Paragraph 40.

41. Defendant denies the allegations in Paragraph 41. Defendant denies that Plaintiff is entitled to any relief.

### Count 3

42. Defendant incorporates by reference Paragraphs 1-41 of this Answer.

43. Defendant denies the allegations in Paragraph 43.

44. Defendant denies the allegations in Paragraph 44. Defendant denies that Plaintiff is entitled to any relief.

### Plaintiff's Damages

45. Defendant denies the allegations in Paragraph 45. Defendant denies that Plaintiff is entitled to any relief.

46. Defendant denies the allegations in Paragraph 46. Defendant denies that Plaintiff is entitled to any relief.

47. Defendant denies the allegations in Paragraph 47. Defendant denies that Plaintiff is entitled to any relief.

48. Defendant denies the allegations in Paragraph 48. Defendant denies that Plaintiff is entitled to any relief.

## **VII.**

49. This paragraph contains Plaintiff's requests for a jury trial, to which no response is required. To the extent that the "Jury Demand" might be deemed to include factual allegations, each factual allegation is denied.

### **VIII.**

50. Paragraphs (a) through (k) are part of Plaintiff's prayer for relief, which does not contain allegations to which an answer is required, but insofar as an answer may be required, Defendant denies that Plaintiff is entitled to any of the requested relief in paragraphs (a) through (k).

Defendant denies each factual allegation contained in Plaintiff's Complaint which specifically refers to Defendant unless specifically admitted.

#### **Affirmative Defenses**

1. This Court lacks subject-matter jurisdiction over Plaintiff's claims.
2. To the extent Plaintiff has failed to exhaust his administrative remedies, the Court lacks jurisdiction over this matter. To the extent that Plaintiff has failed to fulfill any other conditions precedent, Plaintiff's claims are barred.
3. Plaintiff fails to state a claim upon which relief may be granted.
4. Plaintiff fails to establish a prima facie case.
5. All employment actions taken with respect to Plaintiff were based upon legitimate, non-discriminatory business reasons.
6. Defendant's actions were not the proximate cause of any alleged injuries or damages sustained by Plaintiff.
7. To the extent Plaintiff has failed to mitigate his damages, he is precluded from recovering damages against Defendant.
8. Any pecuniary damages alleged, to include back pay, must be reduced by actual earnings and amounts recovered through Plaintiff's efforts to mitigate.

9. Plaintiff's claim for compensatory damages, if any, must be stricken from the Complaint as having no basis in law.

10. Defendant hereby gives notice that Defendant intends to rely upon such other defenses as may become available or apparent during the course of discovery and reserves the right to amend this Answer to include such additional defenses.

Having fully answered Plaintiff's Complaint, Defendant requests that he be granted:

- (a) A judgment dismissing Plaintiff's Complaint with prejudice; and
- (b) Such other and further relief as this Court deems just and proper.

Respectfully submitted,

JENNIFER B. LOWERY  
United States Attorney

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**Certificate of Service**

I certify that on June 4, 2022, this document was filed via CM/ECF.

/s/ Annalisa L. Cravens  
Annalisa L. Cravens